

EXHIBIT 37

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TENNESSEE

ULTIMA SERVICES CORPORATION,

Plaintiff,

V.

Case No.

U. S. DEPARTMENT OF AGRICULTURE,

2:20-cv-0041-

U.S. SMALL BUSINESS ADMINISTRATION

DCLD - CRW

SECRETARY OF AGRICULTURE, and

ADMINISTRATOR OF THE SMALL BUSINESS

ADMINISTRATION.

Defendants.

VIDEOCONFERENCE DEPOSITION OF

AMY STONEBRAKER

DATE: Wednesday, May 25, 2022

TIME: 9:32 a.m.

LOCATION: Remote Proceeding - DC

Washington, DC 20005

REPORTED BY: Timothy Guevara, Notary Public

JOB NO.: 5242863

1 A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFF ULTIMA SERVICES CORPORATION:

3 MICHAEL E. ROSMAN, ESQUIRE (by videoconference)

4 MICHELLE SCOTT, ESQUIRE (by videoconference)

5 Center for Individual Rights

6 1100 Connecticut Avenue Northwest, Suite 625

7 Washington, DC 20036

8 rosman@cir-usa.org

9 scott@cir-usa.org

10 (202) 833-8402

11

12 ON BEHALF OF DEFENDANTS U.S. DEPARTMENT OF

13 AGRICULTURE, U.S. SMALL BUSINESS ADMINISTRATION,

14 SECRETARY OF AGRICULTURE, AND ADMINISTRATOR OF THE

15 SMALL BUSINESS ADMINISTRATION:

16 JULIET GRAY, ESQUIRE (by videoconference)

17 Department of Justice Civil Rights Division

18 Employment Litigation Section

19 150 M Street Northeast

20 Washington, DC 20530

21 juliet.gray@usdoj.gov

22 (202) 514-3831

1 Q Okay. This is for 37 Secretary II positions
2 in the state of Mississippi?

3 A Okay.

4 Q It's a question. Is that your reading of
5 it?

6 A Well, that's what the letter says. Yes.

7 Q Yeah. I mean, there's a reference to
8 Virginia in the first paragraph, but that may be
9 incorrect.

10 A Yeah. No. This appears, based on the
11 table, that it's for Mississippi.

12 Q Okay.

13 A Based on what I remember, Mississippi had a
14 large need.

15 Q Okay. Very good. So if you go look to the
16 third page, there's a reference to the recommended
17 8(a) contractor being Ausdanbrook Properties.

18 A Okay. Page 3. Oh, I see it. Yes.

19 Q Paragraph Number 10?

20 A Yes.

21 Q Okay. And does that refresh your
22 recollection that Ausdanbrook Properties was the 8(a)

1 contractor that Mr. Mandell initially had in mind for
2 this particular requirement?

3 A No. Because he would've made that
4 determination as the contracting officer.

5 Q Okay. Very good. And it doesn't refresh
6 your recollection as to any problem that there may
7 have been with Ausdanbrook Properties, even if you
8 don't remember that specific name?

9 A I recall a discussion with Danny Mandell
10 that there was an issue. I thought the issue at the
11 time was that the 8(a) was not eligible. I don't
12 recall it having anything to do with an adverse
13 impact.

14 Q Okay. Well, why don't we take a look at
15 Exhibit 4, which is now in your Exhibit Share?

16 (Exhibit 4 was marked for
17 identification.)

18 A Okay.

19 Q And this is a letter from the district
20 director of the SBA office in Georgia to Mr. Mandell.

21 A Okay.

22 Q Why don't you read for yourself?

1 CERTIFICATE OF DEPOSITION OFFICER

2 I, TIMOTHY GUEVARA, the officer before whom
3 the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action.

17 TIMOTHY GUEVARA

18 Notary Public in and for the
19 District of Columbia

20
21 [X] Review of the transcript was requested.

1 Juliet Gray, Esquire

2 Juliet.gray@usdoj.gov

3 May 28, 2022

4 Ultima Services Corporation v. US Department Of Agriculture Et

5 5/25/2022, Amy Stonebraker (#5242863)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16

17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Ultima Services Corporation v. US Department Of Agriculture Et
2 Amy Stonebraker (#5242863)

ACKNOWLEDGEMENT OF DEPONENT

4 I, Amy Stonebraker, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10 AMY  Digitally signed by AMY
11 STONEBRAKER Date: 2022.06.14 08:06:21 -04'00' 06/14/2022

12 Amy Stonebraker Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

10 NOTARY PUBLICS